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Paper No. 18

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In re Application of :
Gauselmann :
Application No. 09/491,779 :
Filed: January 26, 2000 :
Attorney Docket No.: ADP231 :
For: METHOD FOR OPERATING A COIN :
ACTUATED ENTERTAINMENT AUTOMAT :

COPY MAILED

ON PETITION **SEP 24 2001**

OFFICE OF PETITIONS

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed September 17, 2001, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTH** from mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)." This is not a final agency decision.

The application became abandoned on December 16, 2000 for failure to submit a proper reply to the final Office action, mailed September 15, 2000, which set a three (3) month shortened statutory period for reply. The amendment filed December 15, 2000 failed to place the application in condition for allowance as applicant was so notified by way of Advisory Action mailed January 11, 2001. No extensions of time for reply in accordance with 37 C.F.R. § 1.136(a) were obtained. Notice of Abandonment was mailed April 20, 2001. The petition under 37 C.F.R. § 1.137(b) filed May 15, 2001 was dismissed July 20, 2001.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) the required reply to the outstanding Office action or notice, unless previously filed;

(2) the petition fee as set forth in 37 C.F.R. § 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was

unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

As stated in the decision mailed July 20, 2001, the present petition fails to satisfy requirement (1) above. Petitioner requests that the RCE submitted May 15, 2001 be accepted as the reply required under 37 C.F.R. § 1.137(b)(1). As stated in the decision mailed July 20, 2001, this request cannot be granted at the present time because the RCE submitted does not comply with the requirements of 37 C.F.R. § 1.114.

An applicant may request continued examination if prosecution in an application is closed, provided applicant submits a submission and the required RCE filing fee. See, 37 C.F.R. § 1.114. The instant request for continued examination lacks the required submission. While not limited to the following, a submission may be in the form of an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. A submission may also be in the form of a previously submitted amendment after final Office action.

This application cannot be revived until a proper reply has been submitted. If petitioner intends the reply of May 15, 2001 to be treated as an RCE, petitioner must submit the required submission.

Lastly, no fee is due in connection with this renewed petition. Deposit account No. 11-0224 has been refunded the petition fee of \$620.00 and the RCE fee of \$355.00 submitted September 17, 2001.

Further correspondence with respect to this matter should be addressed as follows:

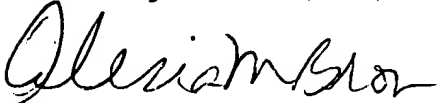
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Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0310.



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